

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SAUL A. FOX, MERCURY ASSETS,	§	
LLC, and MERCURY TRUST, on	§	
behalf of themselves and derivatively on	§	
behalf of FOX PAINE & COMPANY,	§	
LLC,	§	
	§	
Plaintiffs/Counterclaim	§	No. 79, 2009
Defendants-Below,	§	
Appellants,	§	
	§	
v.	§	Court Below:
	§	Chancery Court of the
W. DEXTER PAINE, III,	§	State of Delaware, in and
	§	for New Castle County
Defendant/Counterclaim	§	C.A. No. 3187-VCL
Plaintiff-Below,	§	
Appellee.	§	

Submitted: September 30, 2009

Decided: October 1, 2009

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 1st day of October 2009, the Court, having considered this matter on the briefs and the oral argument of the parties, and having concluded that the same should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its Memorandum Opinion of January 22, 2009 and its Order of February 5, 2009;

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Chancery Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice